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Letter dated 27 April 2004 from the Permanent Representative of India to the United Nations addressed to the President of the Security Council

The delegation of India has learned that the Security Council is scheduled to take action shortly on the draft resolution on non-proliferation contained in document S/2004/326.

India conveyed its position on the draft resolution in the open debate of the Security Council on 22 April. As mentioned in that statement, we perceive the draft resolution as a further step in the process initiated by India in the General Assembly on measures to prevent terrorists from acquiring weapons of mass destruction, and as such we generally support it. Our approach has been that of a responsible State possessing nuclear weapons. We take note of the recognition in the draft of the inherent and mutually reinforcing linkage between disarmament and non-proliferation.

My Government would like to reiterate its unwavering commitment to contributing to global efforts for preventing the proliferation of weapons of mass destruction and their means of delivery.

At the same time, I wish to state the following:

- India is concerned at the increasing tendency of the Security Council in recent years to assume legislative and treaty-making powers on behalf of the international community, binding on all States, a function not envisaged in the Charter of the United Nations.
- India has taken note of the observation of cosponsors that the draft resolution contained in document S/2004/326 does not prescribe adherence to treaties to which a State is not a party. India cannot accept any obligations arising from treaties that India has not signed or ratified. This position is consistent with the fundamental principles of international law and the law of treaties.
- India will not accept externally prescribed norms or standards, whatever their source, on matters within the jurisdiction of its Parliament, including national legislation, regulations or arrangements, which are not consistent with India's constitutional provisions and procedures or are contrary to India's national interests or infringe on its sovereignty.

In view of the importance of the subject, I would request that the present letter be circulated as a document of the Security Council.

(*Signed*) V. K. **Nambiar**

04-32797 (E) 280404